

REMARKS

Claims 12-15 and 18-31 remain pending in this application. Claims 12-15 and 18-31 are rejected. Claims 1-11, 16 and 17 are previously cancelled. Claims 1 and 25 are amended herein to broaden language as deemed appropriate, to express the invention in alternative wording and to address matters of form unrelated to substantive patentability.

Applicant herein traverses and respectfully requests reconsideration of the rejection of the claims cited in the above-referenced Office Action.

The drawings are objected to under 37 CFR 1.83(a) as allegedly failing to show every feature of the claimed invention. In addition, claims 1 and 25, and all claims dependent therefrom, are rejected under 35 U.S.C. 112, second paragraph as being indefinite.

The cancellation of the recitation of “the tubular body being circumferentially wound about said projecting holder to form at least two layers of said tubular body,” which serves as the basis of the objection and the second paragraph of Section 112 rejections of claims 1 and 25, renders the drawing objection and the indefiniteness rejections moot.

The applicant notes that claim 25 is amended to replace the phrase regarding the winding up of the tubular body in two layers, which is cancelled from the claim, with a more precise recitation directed to the feature intended to be embraced within

the meaning of the prior phrase. The claim now recites that the “tubular body is circumferentially wound about said projecting holder with sufficient tightness to at least partially flatten a cross-section of said tubular body about said projecting holder and adhere the tubular body to the projecting holder,” which more precisely describes the state of the tubing when tensioned about the projecting holder about which it is wound. This recitation finds full support in the disclosure. For example, paragraph [0027] of the published application states that “[s]ince the expanded two-layered tubular body (1) tightly adheres to the projecting holder (11) and winds circularly therearound, it contracts as a whole when contracting and thereby, the change of its expansion pressure in the beginning and later periods becomes reduced.” This written description is supported in conjunction with Figs. 3 and 5, which clearly depict the flattening of the tubular body in tightly adhered contact about the projecting holder. In particular, as shown most clearly in cross-section in Fig. 5, the tubular body 1, when so flattened, in effect can be said to form two “layers,” i.e., a first layer of the tubular body in direct contact with the projecting holder, and a remaining second layer opposed thereto across the narrowed oblong tube passage remaining internally therebetween. However, since the use of such “two-layered” terminology was apparently deemed a potential source of confusion, it has been stricken from the claims.

Based upon the foregoing, withdrawal of the drawing objections and reconsideration of the claim rejections under 35 U.S.C. 112, second paragraph and allowance of the claims are earnestly solicited.

Claims 12-15 and 18-31 are rejected under the judicially created doctrine of the "obviousness" type double patenting rejection as unpatentable over claims 1-4 of U.S. Patent No. 7,264,610 (Lee reference). The applicant herein respectfully traverses this rejection.

Applicants respectfully submit that none of claims 1-4 of the Lee reference recites the provision of any structure which could possibly be equated to the claimed projecting holder, and the disclosure supporting claims 1-4 is directed to an invention which functions in an entirely different manner to achieve an entirely different objection. Namely, the device of Lee is concerned with addressing a level of preciseness in delivering an additional volume of medical fluid by the inducement of accurate operation by use of an elastically mounted and movable button body acting against a medical fluid storage tube. Claim 1 of the Lee reference recites the structure and operation of this button body, requiring "a button body disposed above said fluid storage tube, for applying pressure to said medical fluid storage tube, said button body being accessible from an exterior of said device through a hole in said upper case ... whereby when said button body alternatively operates in a downward and an upward direction, pressure is uniformly applied to said storage tube and released therefrom."

The claims of Lee are devoid of any recitations that suggest the use of a expandable and contractible tubular body which expands when medical fluids are injected into said tubular body, and which causes the medical fluids to be expelled by pressure produced by subsequent contraction of said tubular body, nor do the claims recite a projecting holder disposed centrally of an interior of an outer casing about which the tubular body is circumferentially wound, and to which features the present independent application claims 12 and 23, are generally directed. Indeed the entire Lee reference disclosure is devoid of teaching or suggestion for such approach, and therefore could not possibly provide enabling support for any claims drawn to such subject matter.

Lacking such recitations, applicant respectfully submits that a *prima facie* case of obviousness cannot be supported by the claims 1-4 of the Lee reference. Thus, it is respectfully submitted that the rejected claims are not obvious in view of claims 1-4 of U.S. 7,264,610 for the reasons stated above. Reconsideration of the rejections of claims 12-15 and 18-31 and their allowance are respectfully requested.

Applicant respectfully requests a one (1) month extension of time for responding to the Office Action. Please charge the fee of \$60 for the extension of time to Deposit Account No. 10-1250.


The USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

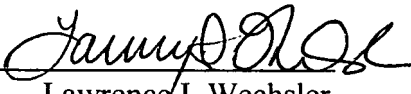
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In light of the foregoing, the application is now believed to be in proper form
for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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